

December 3, 2004

By Electronic Mail

Ms. Marlene H. Dortch  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-B204  
Washington, D.C. 20554

**Re:   *Petition to Defer in the Matter of Cypress Communications Operating Company, Inc., Application for Consent to Transfer of a Company Holding International Authorizations and a Blanket Domestic Authorization Pursuant to Section 214 of the Communications Act of 1934, Docket No. WC 04-418***

Dear Ms. Dortch:

Transmitted herewith by the United States Department of Homeland Security ("DHS"), on behalf of itself, the United States Department of Justice ("DOJ"), and the Federal Bureau of Investigation ("FBI") is an original electronic copy of a Petition to Defer in the above-referenced matter. Please accept this Petition and be advised that DHS, the DOJ, and the FBI respectfully request that the Federal Communications Commission defer grant of the above-captioned Application until they notify the Commission that all potential national security, law enforcement, and public safety issues have been addressed.

Sincerely,

/s/ REGINA HART

Regina Hart  
Office of the General Counsel  
U.S. Department of Homeland Security  
Washington, D.C. 20528  
(202) 204-0497

Attachment

Before the  
**Federal Communications Commission**  
Washington, DC 20554

In the Matter of Cypress  
Communications Operating Company,  
Inc.

Application for Consent to Transfer of  
a Company Holding International  
Authorizations and a Blanket Domestic  
Authorization Pursuant to Section 214  
of the Communications Act of 1934, as  
Amended

Docket No. WC 04-418  
ITC-T/C-20041115-00448

**PETITION TO DEFER**

The United States Department of Homeland Security (“DHS”) and the United States Department of Justice (“DOJ”), including the Federal Bureau of Investigation (“FBI”) (collectively the “Agencies”), with the consent of Cypress Communications Holding Company, Inc. (“Cypress Holding”) and TechInvest Holding Company, Inc. (“THC”) (collectively the “Applicants”), respectfully request that the Federal Communications Commission (“FCC” or “Commission”) defer grant of the above-captioned Application until the Agencies and Applicants notify the Commission that they have addressed potential national security, law enforcement, and public safety issues. The Agencies and Applicants expect to provide such notification to the Commission within the next few weeks.

On November 12, 2004, Cypress Holding and THC filed an application pursuant to sections 63.03 and 63.04 of the Commission’s rules for approval to transfer control of Cypress Communications Operating Company, Inc., an indirect subsidiary of Cypress Holding that provides in-building networks and resells telecommunication services, to a new group of

shareholders. 47 C.F.R §§ 63.03, 63.04; *see* 47 U.S.C. § 214. According to the Applicants, the proposed transaction will result in a change in ownership of Cypress, although Cypress's management and operations will remain largely unchanged. The new owners will be largely foreign investors who are clients of Crescent Capital Investments, Inc., a Delaware corporation that is an indirect, wholly-owned U.S. subsidiary of the First Islamic Investment Bank, E.C. ("FIIB"). FIIB is a joint stock company organized under the laws of the Kingdom of Bahrain, and operates under an investment banking license granted by the Bahrain Monetary Agency.

Given the potential for foreign influence, the Agencies are evaluating whether the proposed transaction could impact U.S. national security, law enforcement, or infrastructure concerns, or impair the ability of federal, state and local governments to effectively: (1) satisfy U.S. National Security Emergency Preparedness and U.S. infrastructure protection requirements; (2) conduct secure and lawfully-authorized electronic surveillance of domestic U.S. calls or calls that originate or terminate in the United States; or (3) prevent and detect foreign-based or other illegal electronic surveillance within the United States, which might jeopardize the security of the United States or privacy of U.S. telecommunications.

Accordingly, the Agencies hereby request that the Commission defer grant of the above-captioned application pending notification to the Commission that all issues concerning potential national security, law enforcement, or public safety concerns have or have not been resolved and requesting appropriate action by the Commission.

Respectfully submitted,

/s/ TINA W. GABBRIELLI

Tina W. Gabbrielli  
Director of Intelligence Coordination and  
Infrastructure Protection Programs  
Information Analysis and Infrastructure  
Protection Directorate  
United States Department of Homeland Security  
Nebraska Avenue Complex  
Washington, D.C. 20528  
(202) 282-8582

/s/ LAURA H. PARSKY

Laura H. Parsky  
Deputy Assistant Attorney General  
Criminal Division  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
(202) 616-3928

/s/ PATRICK W. KELLEY

Patrick W. Kelley  
Deputy General Counsel  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, DC 20535  
(202) 324-6829

Dated: December 03, 2004

## Certificate of Service

I, Regina Hart, hereby certify that on this 3rd day of December 2004, I caused a true and correct copy of the **Petition to Defer** pertaining to *In the Matter of Cypress Communications Operating Company, Inc., Application for Consent to Transfer of a Company Holding International Authorizations and a Blanket Domestic Authorization Pursuant to Section 214 of the Communications Act of 1934, as Amended, Docket No. WC 04-418, ITC-T/C-20041115-00448*, to be served upon the following parties via Electronic Mail:

Tracey Wilson-Parker  
Competition Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554  
[Tracey.wilson-parker@fcc.gov](mailto:Tracey.wilson-parker@fcc.gov)

Alex Johns  
Competition Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554  
[Alexis.johns@fcc.gov](mailto:Alexis.johns@fcc.gov)

Terri Natoli  
Competition Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554  
[Terri.natoli@fcc.gov](mailto:Terri.natoli@fcc.gov)

Susan O'Connell  
Policy Division  
International Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554  
[Susan.o'connell@fcc.gov](mailto:Susan.o'connell@fcc.gov)

James Bird  
Office of General Counsel  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554  
[James.bird@fcc.gov](mailto:James.bird@fcc.gov)

Joan M. Griffin  
Kelley Drye & Warren LLP  
8000 Towers Crescent Drive  
Suite 1200  
Vienna, VA 22182  
[jgriffin@kelleydrye.com](mailto:jgriffin@kelleydrye.com)

Paul O. Gagnier  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, NW, Suite 300  
Washington, DC 20007-5116  
[POGagnier@swidlaw.com](mailto:POGagnier@swidlaw.com)

Best Copy and Printing, Inc  
445 Twelfth Street, SE  
Room CY-B402  
Washington, D.C. 20554  
[fcc@bcpiweb.com](mailto:fcc@bcpiweb.com)

/s/ REGINA HART  
Regina Hart